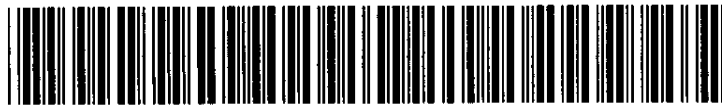
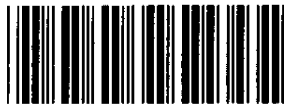


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3:00-CV-00701 GAMMA METRICS INC V. ANALYSER SYSTEMS

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GAMMA-METRICS, INC.,) Civil No. 00cv0701-L(LAB)
)
 Plaintiff,)
) ORDER RE: DEFENDANT'S SUMMARY
) JUDGMENT MOTION ON BEST MODE
 v.) AND CLAIM CONSTRUCTION
)
 ANALYSER SYSTEMS COMPANY, INC.,)
)
 Defendant.)

On October 5, 2000, this matter came on for a tutorial regarding the technology at issue in this case. After having considered the complexity of the technology at issue, conferred with counsel, and good cause appearing, **IT IS HEREBY ORDERED:**

1. Defendant's motion for summary judgment for invalidity under 35 U.S.C. § 112 for failure to disclose best mode is
CONTINUED from November 20, to **Friday, December 1, 2000** at 8:30 a.m.

2. In connection with Defendant's summary judgment motion, the Court will conduct a claim construction hearing *but only as to claim 4(c) of the '043 patent*. Accordingly, the parties

1 should address only claim 4(c) of the '043 patent in their briefs
2 and at oral argument.

3 3. Defendant may submit a supplemental brief addressing
4 the construction of the '043 patent's claim 4(c) and whether
5 Plaintiff is collaterally estopped from presenting claim
6 construction arguments as to that claim on or before **October 30,**
7 **2000.**

8 4. Plaintiff's opposition to the summary judgment motion
9 shall be filed and served **on or before November 14, 2000.**


10 5. Defendant's reply to Plaintiff's opposition shall be
11 filed and served **on or before November 22, 2000.**

12 6. The parties are limited to one hour each to present
13 their arguments at the December 1, 2000 hearing.

14 7. After determination of Defendant's summary judgment
15 motion, the Court will schedule additional dates for claim
16 construction hearings as to the '115 patent and if necessary, the
17 other claims of the '043 patent.

18 **IT IS SO ORDERED.**

19 Dated: 10/17/2000


M. JAMES LORENZ
UNITED STATES DISTRICT JUDGE

21 COPY TO:

22 HON. LARRY A. BURNS
23 UNITED STATES MAGISTRATE JUDGE

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